

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Thomas J. Wright

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CIVIL CASE NO: _____

Electronically filed

V.

John E. Potter

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COMPLAINT

1. The plaintiff Thomas J. Wright a citizen of the County of

Potter State of Pennsylvania, residing at

235 Tennessee Road, Coudersport wishes to file a complaint under

5 U.S.C. 552 and 5 U.S.C. 552a.

2. The defendant is John E. Potter, Postmaster General of the US Postal Service.

3. STATEMENT OF CLAIM:

This is an action under the Statute(s) seeking judicial review and other appropriate relief, and seeking the disclosure and release of Agency records improperly withheld from the Plaintiff by Defendant John E. Potter.

4. JURISDICTION AND VENUE:

This Court has Jurisdiction over this action pursuant to 5 U.S.C. 552 (a)(4)(B), and 5 U.S.C. 552a(g)(5). Venue lies in this District under 5 U.S.C. 552 (a)(4)(B), and 5 U.S.C. 552a(g)(5).

5. The Plaintiff, Thomas J. Wright has been employed with the United States Postal Service (Agency), serving the same City Route in Coudersport Pennsylvania for 19 years.

6. In January of 2007 the Defendant indicated that he had removed Plaintiffs' Official Personnel Folder (OPF) from the Coudersport Post Office in 2004 without notification or explanation to the Plaintiff.

7. On January 29, 2007 the Defendant indicated that the Plaintiffs' OPF had been subsequently removed to Agency Law Department in Philadelphia Pennsylvania in 2004. The Defendant further asserts that the OPF was "lost" on return from the Law Department.

8. On February 12, 2007 the Defendant informed the Plaintiff that the OPF was not in the Agency Harrisburg District Office. Plaintiff copied disclosure to the Scranton District Labor Relations Office. Plaintiffs' Labor Relations issues are handled in the Harrisburg District.

9. On March 7, 2007 Plaintiff submitted FOIA/PA requests to the Agency for the return of his OPF to the Coudersport Post Office. Plaintiff indicated in the request that he had not been informed of the disclosures of the OPF at the time of its removal. The Agency asserted that the OPF was "lost".

10. On April 2, 2007 Plaintiff Ammended his FOIA/PA request to include the release of all records which refered to the release(s) of Plaintiffs OPF from January 2003 onward.

11. On July 31, 2007 Plaintiff Appealed the Agencies Non-Response to the United states Postal Service Office of General Counsel in Washington DC. On Appeal the Agency accepted Plaintiffs' Full Scope of Records Sought as was attached to the Appeal.

12. On September 11, 2007 the Agency released a partial Reconstruction of Plaintiffs' OPF. No Records of Accounting for the disclosures of the OPF were released.

13. On November 22, 2007 the Agency rendered its' Final Decision on Appeal.

14. Plaintiff has exhausted Administrative Remedies in this matter.

15. WHEREFORE, plaintiff prays that:

A. Defendant shall produce Plaintiffs' Original OPF or in the alternative provide a thorough Reconstruction of the OPF and, in either case the Defendant shall release to the Plaintiff the Full Scope of Records Sought in the subject Appeal.

B. Defendant shall pay the Plaintiffs' reasonable legal expenses in this matter.

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s / Thomas J. Wright

Thomas J. Wright
Pro Se